



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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January 13, 2012

**BY ECF**

Honorable Roanne L. Mann  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Derrick Reason v. The City of New York, et al.,  
11 CV 2736 (SLT)(RLM)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the City of New York and Police Officer Tyron Saxon in the above-referenced matter. I am writing to respectfully request an adjournment of the settlement conference currently scheduled for Wednesday, January 18, 2012 at 10:15 a.m., until a future date convenient to the Court. This is defendants' first request for an adjournment of this conference, and defendants respectfully submit that an adjournment will not affect any scheduled dates.

Defendants respectfully state that this adjournment is requested due to exceptional circumstances. Specifically, plaintiff has made wholly insufficient disclosures pursuant to F.R.C.P. 26, and has not appropriately responded to defendants interrogatories and document requests. Despite making every effort to obtain this discovery in a timely manner, plaintiff has not provided defendant with the information and documents to which it is entitled in order that defendants can adequately assess the extent of plaintiff's injuries and damages and request the appropriate settlement authority in advance of the scheduled conference.

Defendant's discovery demands were served on plaintiff by first class mail on November 3, 2011. By letter dated December 29, 2011, defendants informed plaintiff of his deficient disclosures and responses, and graciously allowed plaintiff's counsel, Robert Marinelli, Esq., until January 11, 2012 to cure these deficiencies. Defendants also notified plaintiff in this letter that because his responses were past due, all objections had been waived. On January 11, plaintiff's counsel indicated he would respond to defendant by Friday, January 13, 2012. As of the sending of this letter, defendants have not received any response from plaintiff's counsel,

despite plaintiff's counsel's assurance earlier today the response would be emailed within the hour. Without this information, defendants cannot fully assess the value of this case and respond to plaintiff's settlement demand.

Plaintiff's counsel does not consent to this adjournment. I apologize to the Court for this request was not made earlier, however, defendants have made every effort to obtain the discovery to which it is entitled. Assuming plaintiff does not respond to our letter of December 29, 2011, it is our intention to move the Court to compel plaintiff's responses as soon as possible.

It is respectfully requested that the Court grant the within request adjourning the settlement conference until a further date convenient to the Court.

Thank you for your consideration of this request.

Respectfully submitted,

/s

Carolyn K. Depoian  
Assistant Corporation Counsel

cc: BY ECF  
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